(3)

No. 08-1533

In The

Supreme Court of the United States

DANA LYNN MEHEN,

Petitioner,

vs.

DELTA AIRLINES, INC., et al.,

Respondents.

On Petition For A Writ Of Certiorari To The Ninth Circuit Court Of Appeals

PETITION FOR REHEARING

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PETITION FOR REHEARING

Honorable Supreme Court Justices

I, Dana Mehen, request this Petition for Rehearing due to the following reasons. My former employer, the Respondents, unlawfully terminated our health benefits and other such benefits, dental, life insurance and flight benefits. Our family has been under extreme hardship without the health benefits for NINE years. I am disabled and my minor daughter was diagnosed with a kidney disease at age ten (Glomerulonephritis). We are both still ill trying to survive without the health benefits that I worked so hard for. I have Medicare, but the Respondents have a responsibility to also cover us.

I was a loyal and dedicated employee for twenty years with an excellent administrative record. I became ill from two fire evacuations and other exposures that are all a part of regular commercial airline operations. Many flight crew members are falling ill just like myself. I worked long and hard for these benefits, and in my hour of need the Respondents just wiped them away without merit or reason. We became one more family of the 46 million people without health insurance. My former employer knew that my daughter and I were ill, so they no longer wanted to cover us with insurance. We were put on Cobra and the Respondents continually terminated the insurance again without any reason. Finally, Ms. Polk of the U.S. Dept. of Labor forced the Respondents to reinstate us but they still never paid the medical

bills. I asked for a Cobra extension but was denied. I went to the EEOC and they ruled that Respondents were discriminatory in their action of terminating our benefits and sending information to terminate my employment.

The Respondents terminated our health benefits by using a false surveillance video of my husband and two minor daughters, ages 11 and 15 on a picnic (I was not present on that day nor was I in the video). They tried to state that my 15-year-old daughter was me. Then they sent me to a company doctor who agreed that I was disabled (July 1999) but then one year later changed his report to say "she can work" (July 2000). I exhausted all administrative remedies. I filed this action December 2002 at the U.S. District Court here in Tucson, Arizona, with the help of my family.

We are in desperate need. I respectfully ask you to hear this case not only for our family but for all the other American workers who have ended up in this terrible situation. We need help, plain and simple. I did not make the rules. I did obey the rules, but the Respondents have broken all the rules and have never been held responsible for their actions. I have been forced through Bankruptcy Court of the Southern District of New York. I cite *Patterson v. Shumate*, 504 U.S. 753 (1992), ERISA benefits are not a part of the debtor's estate. I believe that they have tried everything in their power to silence me, including the harassment campaign that we as a family have been forced to endure. Continual attacks such as break-ins

at our home, vandalism to our home, and cars and mail stolen, and similar acts also involving my 82-year-old Mother who is followed 24/7, run off the road, and recently the car that my 20-year-old daughter was driving had the windshield shot out before an intersection. If she had lost control of the vehicle she would have most likely been in a fatal accident. We have been working with the FBI locally. All of this because we have been trying to pursue our rights through the judicial system.

My case is similar to *Wanda Glenn v. Metropolitan Life Insurance Company*, Supreme Court No. 06-923 (June 19, 2008). This new ruling might have been overlooked and I respectfully ask for review and reconsideration of this Petition. This may help resolve these important issues for our family and others who are like myself. Thank you for your time and consideration.

Respectfully submitted,

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CERTIFICATION OF COUNSEL

I hereby certify that this Petition for Rehearing is submitted in good faith and not for delay. This Petition for Rehearing is restricted to the grounds set out in Rule 44.2.

Dana Lynn Mehen